

House Judiciary Committee Amendment # 1

AMENDMENT NO. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1894

House Bill No. 1636*

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 8-8-201, is amended by adding the following new appropriately numbered subsection:

()

(a) Take or cause to be taken two (2) full sets of fingerprints of each person arrested whether by warrant or capias for an offense which results in such person's incarceration in a jail facility or the person's posting of a bond to avoid incarceration. One (1) set of such fingerprints shall be sent to the Tennessee bureau of investigation as provided in Tennessee Code Annotated, Section 38-6-103 and one (1) set to the federal bureau of investigation.

(b) Notwithstanding any other provision of law to the contrary, in order to comply with the provisions of this subsection effective July 1, 1997 twenty percent (20%) of the funds a sheriff's office receives pursuant to Tennessee Code Annotated, Section 39-17-420 shall be set aside and earmarked for the purchase of livescan fingerprint capture equipment. Twenty percent (20%) of such funds shall be set aside and earmarked each year until July 1, 2002 or until the sheriff has sufficient funds to purchase livescan fingerprint capture equipment, whichever amount of time is less;

SECTION 2. Tennessee Code Annotated, Title 38, Chapter 3, is amended by adding the following as a new section:

Section____.

800000000

80000000

004352

00435229

House Judiciary Committee Amendment # 1

AMENDMENT NO. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1894

House Bill No. 1636*

(a) It shall be the duty of every law enforcement officer as defined in Tennessee Code Annotated, Section 39-11-106(21) to take or cause to be taken two (2) full sets of fingerprints of each person arrested whether by warrant or capias for an offense which results in such person's incarceration in a jail facility or the person's posting of a bond to avoid incarceration. One (1) set of such fingerprints shall be sent to the Tennessee bureau of investigation as provided in Tennessee Code Annotated, Section 38-6-103 and one (1) set to the federal bureau of investigation.

(b) Notwithstanding any other provision of law to the contrary, in order to comply with the provisions of this subsection effective July 1, 1997 twenty percent (20%) of the funds a municipal police department receives pursuant to Tennessee Code Annotated, Section 39-17-420 shall be set aside and earmarked for the purchase of livescan fingerprint capture equipment. Twenty percent (20%) of such funds shall be set aside and earmarked until July 1, 2002 or until the chief of police has sufficient funds to purchase livescan fingerprint capture equipment, whichever amount of time is less. In lieu of purchasing such fingerprint capture equipment, a municipal police department may enter into an agreement with the sheriff of the county in which the police department is located. Such agreement may provide that the police department may use the sheriff's fingerprint capture equipment for person's arrested by the police

800000000

80000000

004352

00435229

House Judiciary Committee Amendment # 1

AMENDMENT NO. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1894

House Bill No. 1636*

department in exchange for the police department paying an agreed upon portion of the cost and maintenance of the sheriff's fingerprint capture equipment.

SECTION 3. Tennessee Code Annotated, Title 8, Chapter 4, Part 1, is amended by adding the following as a new section:

Section ____.

(a) The comptroller shall determine if each county sheriff's office and municipal police department have procedures in place which will ensure substantial compliance with the fingerprinting requirements of Sections 1 or 2 of this act.

(b) If the comptroller of the treasury determines that a particular sheriff's office or police department is not in substantial compliance with Sections 1 or 2 of this act, the comptroller shall notify the appropriate county executive of the sheriff's noncompliance or shall notify the appropriate mayor of the police department's noncompliance. Upon receiving such a notification from the comptroller, the county executive or mayor shall begin withholding two and one-half percent (2.5%) of the sheriff's or police chief's salary. The county executive or mayor shall continue to withhold such percentage of salary until it is determined that the sheriff or police chief is in substantial compliance with the fingerprinting requirements of this act.

(c) Once a sheriff's office or police department has been found in noncompliance with the fingerprinting requirements of Sections 1 or 2 of this act

800000000

80000000

004352

00435229

House Judiciary Committee Amendment # 1

AMENDMENT NO. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1894

House Bill No. 1636*

and the notification letter described in subsection (b) of this section has been sent, the burden shall be on such sheriff or police chief to notify the comptroller of the treasury that the sheriff's office or police department is in substantial compliance with such requirements. If the comptroller of the treasury determines that a noncomplying sheriff's office or police department has returned to substantial compliance, it shall send a letter so stating to the appropriate county executive or mayor. Upon receiving such letter, the county executive or mayor shall once again begin paying the sheriff or police chief one hundred percent (100%) of their salary and shall pay to such sheriff or police chief the amount of salary withheld during the period of noncompliance. Provided, however, a sheriff or police chief found to be in noncompliance with Sections 1 or 2 of this act shall be required to forfeit two and one half percent (2.5%) of one-twelfth (1/12) of their annual salary.

(d) At least annually the comptroller's office shall send to each county executive, sheriff, mayor and chief of police a notice advising them of the provisions of this act including the penalty for noncompliance with this act.

SECTION 4. This act shall take effect January 1, 1998, the public welfare requiring it.

800000000

80000000

004352

00435229

House Judiciary Committee Amendment # 1

AMENDMENT NO. _____

Signature of Sponsor

AMEND Senate Bill No. 1894

House Bill No. 1636*

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

800000000

80000000

004352

00435229